

Proposed Revisions to 310 CMR 7.24:

(6) U Stage II Requirements for Dispensing of Motor Vehicle Fuel.

(a) ~~Applicability and Installation~~ Operation, Maintenance, and Decommissioning Requirements.

1. Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility with a Stage II system installed ~~constructed~~ or substantially modified ~~after November 1, 1989~~ prior to [effective date of amendments] shall ~~install, prior to commencing operation, maintain and operate the a~~ Stage II system as required by the terms and conditions of the system's currently applicable Executive Order and any Approval Letters issued by CARB on or before March 1, 2009, until the Stage II system is decommissioned in accordance with 310 CMR 7.24(6)(a)8. or (6)(a)9.b.

2. As of [effective date of amendment], no person shall install a Stage II system.

~~2.—Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility constructed before November 1, 1989, that has not been substantially modified since November 1, 1989 shall install a Stage II system as required by the terms and conditions of the system's currently applicable Executive Order and as required by the following schedule:~~

- ~~a.—by April 1, 1991 where the annual (calendar year) throughput of the motor vehicle fuel dispensing facility is greater than or equal to 1,000,000 gallons of motor vehicle fuel; or~~
- ~~b.—by April 1, 1992 where the annual (calendar year) throughput of the motor vehicle fuel dispensing facility is less than 1,000,000 gallons but greater than or equal to 500,000 gallons of motor vehicle fuel; or~~
- ~~c.—by April 1, 1993 where the annual (calendar year) throughput of the motor vehicle fuel dispensing facility is less than 500,000 gallons per year but is greater than or equal to 20,000 gallons in any one calendar month; or~~
- ~~d.—by April 1, 1994, or 90 days after dispensing 10,000 gallons or more in any calendar month, whichever is later, for all other motor vehicle fuel dispensing facilities.~~

~~3.—Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility constructed before November 1, 1989, which has not been substantially modified since November 1, 1989 and which has not dispensed greater than 10,000 gallons of motor vehicle fuel in any one calendar month since January 1, 1988 shall maintain, on site at the facility, monthly records of the total number of gallons of motor vehicle fuel dispensed at said facility for the most recent rolling five year period.~~

43. Any person who owns, leases, operates or controls a tank truck engaged in the direct dispensing of motor vehicle fuel to a motor vehicle or portable container shall install, by September 1, 1995 or prior to commencing operation, whichever is later, a Stage II system that meets the terms and conditions of the system's currently applicable Executive Order. Tank trucks dispensing motor vehicle fuel to emergency motor vehicles or portable containers during fire fighting activities or a declared emergency situation are exempt from the requirements of 310 CMR 7.24(6).

54. Any person subject to 310 CMR 7.24(6) shall conspicuously post Stage II system operating instructions on both sides of all motor vehicle fuel dispensers or at a position adjacent to the dispensers that is clearly visible to the system operator during the refueling process. Such instructions shall include:

- a. a clear pictorial or written description of how to correctly dispense motor vehicle fuel using the installed Stage II system;
- b. a warning not to continue dispensing motor vehicle fuel ("topping-off") after automatic system shutoff has engaged; and
- c. the telephone number of the Department's Stage II Consumer Hotline.

65. Stationary motor vehicle fuel storage tanks used for following purposes only shall be exempt from the requirements of 310 CMR 7.24(6).

- a. A stationary motor vehicle fuel storage tank of 550 gallons or less capacity, used for the purpose of fueling implements of husbandry, provided the fuel storage tank is equipped with submerged fill pipes.
- b. A stationary motor vehicle fuel storage tank of greater than 250 gallons, but 1000 gallons or less capacity, used for the purpose of onsite fueling of motor vehicles with motor vehicle fuel that is the by-product of motor vehicle salvage yard operations, provided the fuel storage tank is equipped with:
  - i. a submerged fill pipe; and
  - ii. a pressure vacuum vent valve.

Any person who owns, leases, operates or controls a stationary motor vehicle fuel storage tank currently installed at a motor vehicle salvage yard and not in compliance with the requirements of this subsection shall take such action as necessary to comply with the requirements of this subsection on or before September 1, 2009.

76. On or after March 1, 2009, any person who owns, leases, operates or controls a newly installed motor vehicle fuel dispensing facility where a Stage II system is installed in compliance with 310 CMR 7.24(6)(a)1. shall install a pressure/vacuum (P/V) vent cap on each underground motor vehicle fuel storage tank vent located at said facility, prior to commencing operation. Any person who owns, leases, operates or controls an existing motor vehicle fuel dispensing facility where a vapor balance Stage II system is installed as of March 1, 2009 shall install a P/V vent cap on each underground motor vehicle fuel storage tank vent on or before said facility's first Annual In-Use Compliance Certification submittal due date after April 1, 2009. Each P/V

vent cap shall maintain 3.0+/-0.5 inches of water pressure, and 8.0+/-2.0 inches of vacuum. Note: Per the applicable CARB Executive Orders, above ground motor vehicle fuel storage tanks and all underground motor vehicle fuel storage tanks with vacuum assist type Stage II systems are also required to have P/V vent caps.

7. All Stage II systems shall be decommissioned on or before [(2) years from effective date of amendment]. In response to a written request submitted to the Department prior to [(2) years from [effective date of amendment], the Department, in its sole discretion, may grant an owner, lessee, operator or controller of a Stage II system an extension of up to one year after [ 2 years from the effective date of the amendment] to decommission the Stage II system based on financial hardship.

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8.. An existing Stage II system shall be decommissioned only in accordance with the following requirements:

a. The entire existing Stage II system shall be fully decommissioned prior to the Stage II system no longer being operated and maintained as required by the terms and conditions of the system's currently applicable Executive Order and Approval Letters issued by CARB on or before March 1, 2009.

b. All accumulated liquids from all decommissioned equipment shall be drained, collected and handled in accordance with all applicable state and federal regulations.

c. Any liquid drop-out tank or condensate trap shall be removed or decommissioned and any siphon line shall be capped.

d. A vacuum-assist vapor pump shall be removed or disabled.

e. The vapor recovery piping at the dispenser end shall be disconnected and capped off with a vapor tight cap or plug.

f. The Stage II hanging hardware shall be replaced with conventional hanging hardware. Any labels or decals on the dispenser that relate to the Stage II system shall be removed.

g. Upon completion of the steps required in 310 CMR 7.24(6)(a)8.a.through 8.f., the tests listed in 310 CMR 7.24(3)(d)1. as applicable to the Stage I System in use at the facility where the decommissioning has been completed, shall be performed.

h. A decommissioning checklist on a form provided by the Department shall be completed and submitted to the Department no later than 30 days after decommissioning of the Stage II system and testing pursuant to 310 CMR 7.24(6)(a)7. are complete.

9. Department's Enforcement Discretion.

a. A person who owns, leases, operates or controls a motor vehicle fuel dispensing facility which began dispensing fuel for the first time after July 9, 2012, and notified the Department in accordance with the Department's enforcement discretion letter dated July 2, 2012, that it intended to

commence operations without installing a Stage II system, is not subject to the requirements of 310 CMR 7.24(6).

b. A person who owns, leases, operates or controls a motor vehicle fuel dispensing facility is not subject to the requirements of 310 CMR 7.24(6) if, after July 9, 2012, in accordance with the Department's enforcement discretion letter dated July 2, 2012:

i. the motor vehicle dispensing facility was modified by:

a. excavating below a shear valve or tank pad in order to repair or replace the Stage II system or an underground storage tank, or

b. fifty percent (50%) or more of the facility's dispensers were replaced; and

ii. the facility notified the Department that it intended to act in accordance with the Department's July 2, 2012 letter prior to removing or discontinuing its Stage II system; and

iii. the entire existing Stage II system is decommissioned in accordance with all applicable steps listed in the *Petroleum Equipment Institute Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle-Fueling Sites, PEI/RP300-09, Section 14, Decommissioning Stage II Vapor Recovery Piping.*